

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ELAINE L. CHAO, Secretary,
United States Department of Labor,

Plaintiff,

against -

**STIPULATION OF
SETTLEMENT
AND ORDER**

Civil Action
No. CV-04-1808
(EV) (JA)

LOCAL 804, DELIVERY AND WAREHOUSE
EMPLOYEES OF THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, AFL-CIO,

Defendant.
-----X

WHEREAS, Plaintiff Secretary of the United States Department of Labor (the "Secretary") brought this action under Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (Act of September 14, 1959, 73 Stat. 519 *et seq.*), hereinafter referred to as the Act, to set aside the regular election for the office of President, conducted by the Defendant Local 804, Delivery and Warehouse Employees of the International Brotherhood of Teamsters ("Local 804") on November 20, 2003; and

WHEREAS, the parties wish to reach a full and final settlement of this action in accordance with the terms set forth in this Stipulation of Settlement and Order.

IT IS HEREBY STIPULATED by the parties as follows:

1. Local 804 shall conduct new nominations and a new election for the office of President under the supervision of the Secretary, such supervised election to coincide with Local 804's next regularly scheduled election, to be completed no later than

November, 2006. The election shall be conducted in accordance with Title IV of the Act (29 U.S.C. Section 481, *et seq.*), and, insofar as lawful and practicable, in accordance with Local 804's By-Laws and the Constitution of the International Brotherhood of Teamsters. The winner of the supervised election for President shall serve a full three (3) year term as specified in Local 804's By-Laws and the Constitution of the International Brotherhood of Teamsters.

2. All decisions as to the interpretation or application of Title IV of the Act, and Local 804's By-Laws and the Constitution of the International Brotherhood of Teamsters which relate to the supervised election, are to be determined by the Secretary, and her decision shall be final, unless and until any such decision is, on application by the Local 804, set aside by the Court.

3. The Court shall retain jurisdiction of this action and after completion of the election, plaintiff Secretary shall certify to the Court the name of the person so elected, that such election was conducted in accordance with Title IV of the Act, and insofar as lawful and practicable, in accordance with the provisions of Local 804's By-Laws and the Constitution of the International Brotherhood of Teamsters. Upon approval of such certification, the Court shall enter a judgment declaring that such person has been elected as shown by such certification to serve a three (3) year term of office, and further providing that each party will bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

4. This Order is not intended, and shall not be construed, as an admission that Local 804, or any of its officers, employees or agents violated any law or committed any wrong.

PLAINTIFF

ROSLYNN MAUSKOPF
United States Attorney
Eastern District of New York
One Pierrepont Plaza, 14th Fl.
Brooklyn, NY 11201

DATED: August __, 2006

By:

RICHARD K. HAYES
Assistant U.S. Attorney
(718) 254-6050

DEFENDANT

MEYER, SUOZZI, ENGLISH
& KLEIN, P.C.
1350 Broadway, Suite 501
New York, N.Y. 10018

DATED: August 15th 2006

By:

Richard N. Gilberg
RICHARD N. GILBERG

SO ORDERED

On this __ day of August, 2006.

HONORABLE ERIC N. VITALIANO
UNITED STATES DISTRICT JUDGE

PLAINTIFF

ROSLYNN MAUSKOPF
United States Attorney
Eastern District of New York
One Pierrepont Plaza, 14th Fl.
Brooklyn, NY 11201

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RICHARD K. HAYES
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New York, N.Y. 10018

DATED: August ___, 2006

By:

RICHARD N. GILBERG

SO ORDERED

On this ___ day of August, 2006.

HONORABLE ERIC N. VITALIANO
UNITED STATES DISTRICT JUDGE